



Department of Energy
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

May 2, 2013

Certified Mail

Dr. Walter Tamosaitis
(home address has been deleted)

Dear Dr. Tamosaitis:

FREEDOM OF INFORMATION ACT REQUEST (FOIA 2013-00818)

This letter is in response to your Freedom of Information Act (FOIA) request that you sent to the Department of Energy (DOE), Richland Operations Office (RL) requesting the following information:

1. "Documents identifying each and every URS E&C employee over the level of 21 (or the equivalent) up to an including the URS E&C President, Mr. Bob Zaist, that received a bonus (aka, incentive compensation) in 2013 for the year 2012."
2. "Documents identifying each and every URS E&C employee at the level of 21 (or the equivalent) that received a bonus (aka, incentive compensation) in 2013 for the year 2012."
3. "Documents identifying each and every URS E&C employee below the level of 21 (or the equivalent) that received a bonus (aka, incentive compensation) in 2013 for the year 2012."
4. "Documents identifying the total number of URS E&C employees that received bonuses (aka, incentive compensation) or other payments such as performance incentive payments in 2013 for the year 2012."

Your request was assigned to DOE's Office of River Protection, RL, and Bechtel National Inc. (BNI) to conduct a search of its files for responsive documents. We have conducted a thorough search and no documents were located. This search was conducted by those within the agency who are most familiar with the subject matter of your request, in locations where documents would most likely be found. In your request, you specifically requested that we undertake a search of "all URS Corporation, URS Energy & Construction Inc., and URS E&C GMOS offices" that may be in control of such records. URS is a subcontractor to BNI. Records that are in URS's possession and not in the possession and control of DOE, are not considered agency records and therefore are not subject to the FOIA. "Agency records" have been defined as documents which are either generated or acquired by an agency, and are under agency control at the time of FOIA request submission. *See Department of Justice v. Tax Analysts*, 492 U.S. 136, 144-45 (1989). Accordingly, DOE does not have records responsive to your request.

Dr. Walter Tamosaitis

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The undersigned individual is responsible for this determination. You have the right to appeal to the Office of Hearings and Appeals, as provided in 10 CFR 1004.8, for any information denied to you in this letter. Any such appeal shall be made in writing to the following address: Director, Office of Hearings and Appeals (HG-1), U.S. Department of Energy, L'Enfant Plaza Building, 1000 Independence Avenue SW, Washington, D.C. 20585-1615, and shall be filed within 30 days after receipt of this letter. Should you choose to appeal, please provide this office with a copy of your letter.

If you have any questions regarding your request, please contact me at our address above or on (509) 376-6288.

Sincerely,

-Original signed by-

OCE:DCR

Dorothy Riehle
Freedom of Information Act Officer
Office of Communications
and External Affairs